

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 10-cr-20260
Honorable Thomas L. Ludington

GUILLERMO RAMIREZ-CARRANZA,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DENYING DEFENDANT'S MOTION TO VACATE SENTENCE**

This matter is before the Court on the report and recommendation (ECF No. 34) issued by Magistrate Judge Charles E. Binder on October 17, 2012, on Defendant's motion to vacate his sentence pursuant to 28 U.S.C. § 2255 (ECF No. 23). Noting that Defendant's conviction became final on December 23, 2010, Judge Binder observes that Defendant's § 2255 motion was not filed until April 23, 2012. Because the Antiterrorism and Effective Death Penalty Act contains a one-year statute of limitations for motions to vacate federal sentences, 28 U.S.C. § 2255(f), Judge Binder recommends that the Court deny Defendant's motion as untimely.

Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* The Court is not obligated to review the portions of the report to which no objection was made. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Likewise, the failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of*

Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). As of today's date, no party has filed any objections to Judge Binder's report and recommendation.

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation (ECF No. 34) is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to vacate his sentence (ECF No. 23) is **DENIED**.

It is further **ORDERED** that a certificate of appealability is **DENIED**.

Dated: November 8, 2012

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Guillermo Ramirez-Carranza #26836-039, at FCI Ray James, P.O. Box 2000, Folkston, GA 31537 by first class U.S. mail on November 8, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS